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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,974	04/20/2001	Peter J. Schwartz	K35A0731	4881

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WESTERN DIGITAL CORP.
20511 LAKE FOREST DRIVE
C205 - INTELLECTUAL PROPERTY DEPARTMENT
LAKE FOREST, CA 92630

EXAMINER

TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,974

Applicant(s)

SCHWARTZ ET AL.

Examiner

Cam Y T Truong

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Applicant has amended claims 1, 10, 13, 14 and 25 in the amendment filed on 6/1/2004. Claims 1- 23 and 25 are pending in this Office Action.

Applicant's arguments with respect to claims 1-23 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-8, 10, 14, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (or hereinafter "Reilly") (US 5740549) in view of Boyer et al (USP 6268849).

As to claim 1, Reilly teaches the claimed limitations:

"accessing a first database that includes program information describing the plurality of programs through program attributes" as displaying sports news profile to allow a user to select each topic as attributes (fig. 5);

"obtaining a first set of user-defined criteria for identifying for identifying preferred program attributes from a user" as a user can include only stories mentioning: 49ers, Rams (fig. 5, col. 9, lines 45-50);

"obtaining a second set of user-defined criteria for identifying non-preferred program attributes from user input, the non-preferred program

Art Unit: 2172

attributes including attributes which a program must not have in order to be of interest to the user" as a user can exclude any stories that user do not interest (fig. 5, col. 9, lines 45-50);

"sorting through the first database using the first set of user-defined criteria and the second set of user-defined criteria to select programs, the program attributes of each selected program having the preferred program attributes and not having the non-preferred program attributes" as (col. 9, lines 45-60).

Reilly does not explicitly teach the claimed limitation "the preferred program attributes including attributes which a program must have in order to be of interest to the user". Boyer teaches displaying programs that have attributes in order to be of interest to the user (fig. 14).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of displaying programs that have attributes in order to be of interest to the user to Reilly's system in order to save time for user viewing programs, to get user's attention for viewing programs and to provide a correct program following user's desires.

As to claim 2, Reilly teaches the claimed limitation "presenting the program to the user for selection" as (figs. 5).

As to claim 5, Reilly does not explicitly teach the claimed limitation "wherein said sorting involves applying a logical AND and a logical NOT to the

Art Unit: 2172

program attributes". However, Reilly teaches include filters and exclude filters. The above information shows that the system has applied a logical AND and a logical NOT to include topic Rams and exclude stories that a user are not interest (fig. 5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply include filter and exclude filter in order to include a correct attribute for a program.

As to claims 6 and 22, Reilly does not explicitly teach the claimed limitation " wherein the program attributes and the user-defined attributes are selected from a group that includes channel, actor, director, title, genre, language, critical rating, call sign, play content, maturity rating, multi-part format and seasonal content". Boyer teaches that the attributes of the movie programs include channel, genre, title, and time & date (fig. 14). Thus, it is obvious to add another attributes to movie programs.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of the attributes of the movie programs includes channel, genre, title, and time & date in order to provide more information about programs to a user.

As to claim 7, Reilly does not explicitly teach the claimed limitation "repeatedly sorting through the first database". Boyer teaches that the program guide services allows the user to manipulate the television listing by searching or

Art Unit: 2172

sorting through the listings using criteria such as genre, channel, and broad cast time (col. 1, lines 37-42). This information shows that a user can sort the television lists any time.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of the program guide services allows the user to manipulate the television listing by searching or sorting through the listings using criteria such as genre, channel, and broad cast time to Reilly's system in order to allow a user to rearrange a database following user's desired.

As to claim 8, Reilly teaches the claimed limitation "updating the program information of the first database" as (abstract).

As to claim 10, Reilly teaches the claimed limitation "wherein at least one of the first set of user-defined criteria or the second set of user-defined criteria is obtained from a second database user-defined attributes are obtained from a second database" as (col. 13, lines 35-60).

As to claim 14, Reilly teaches the claimed limitations:

"a memory to receive and to store program information describing a plurality of programs through program attributes" as (fig. 1, col. 4, lines 1-10);

"a source of user-defined criteria, wherein the user-defined criteria comprise: a first set of user-defined criteria which identify preferred program

attributes from a user input" as a user can include only stories mentioning: 49ers, Rams (fig. 5, col. 9, lines 45-50);

"a second set of user-defined criteria which identify non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user" as a user can exclude stories that user are not interest (fig. 5; col. 9, lines 45-50);

"a preference module configured to sort through the program information to select program, the program attributes of each selected program having the preferred program attributes and not having the non-preferred program attributes" as (col. 9, lines 45-50).

Reilly does not explicitly teach the claimed limitation "the preferred program attributes including attributes which a program must have in order to be of interest to the user". Boyer teaches displaying programs that have attributes in order to be of interest to the user (fig. 14).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of displaying programs that have attributes in order to be of interest to the user to Reilly's system in order to save time for user viewing programs, to get user's attention for viewing programs and to provide a correct program following user's desires.

As to claim 21, Reilly does not explicitly teaches the claimed limitation "wherein the preference module applies a logical AND and a logical NOT to the program attributes." However, Reilly teaches include filters and exclude filters.

The above information shows that the system has applied a logical AND and a logical NOT to include topic Rams and exclude stories that a user are not interest (fig. 5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply include filter and exclude filter in order to include a correct attribute for a program.

As to claim 23, Reilly teaches the claimed limitations:

“accessing a first database that includes program information describing the plurality of programs through program attributes” as displaying sports news profile to allow a user to select each topic as attributes (fig. 5);

“obtaining a first set of user-defined criteria identifying preferred program attributes from user input” as a user can include only stories mentioning: 49ers, Rams (fig. 5, col. 9, lines 45-50);

“obtaining a second set of user-defined criteria for identifying non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user” as a user can exclude only stories mentioning that user does not like (fig. 5, col. 9, lines 45-50);

“comparing the program attributes of a program of the plurality of program to the preferred program attributes; comparing the program attributes of the program of the plurality of programs to the non-preferred program attributes” as (fig. 5, col. 9, lines 45-50);

"selecting the program of the plurality of programs if the program attributes of the program include the preferred program attributes and do not include the non-preferred program attributes" as (fig. 5, col. 9, lines 45-50).

Reilly does not explicitly teach the claimed limitation "the preferred program attributes including attributes which a program must have in order to be of interest to a user".

Reilly does not explicitly teach the claimed limitation "the preferred program attributes including attributes which a program must have in order to be of interest to the user". Boyer teaches displaying programs that have attributes in order to be of interest to the user (fig. 14).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of displaying programs that have attributes in order to be of interest to the user to Reilly's system in order to save time for user viewing programs and to get user's attention for viewing programs provide a correct program following user's desires.

As to claim 25, Reilly teaches the claimed limitations:

"accessing a first database that includes program information regarding the plurality of programs, each program having one or more program attributes which describe the program" as (fig. 5);

"obtaining a second set of user-defined criteria from user input which define at least one barred program attribute corresponding to an attribute which a

program must not have in order that the program be of interest to the user" as (col. 9, lines 30-45);

"identifying a selected set of programs of interest to the user, each program of the set of program having the required program attribute and not having the barred program attribute" as (fig. 5, col. 9, lines 30-45).

Reilly does not explicitly teach the claimed limitation

"obtaining a first set of user-defined criteria from user input which define at least one required program attribute corresponding to an attribute which a program must have in order that the program be of interest to the user".

Boyer teaches displaying programs that have attributes in order to be of interest to the user (fig. 14).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of displaying programs that have attributes in order to be of interest to the user to Reilly's system in order to save time for user viewing programs and to get user's attention for viewing programs provide a correct program following user's desires.

4. Claims 3, 4, 9, 11-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Boyer and further in view of Etheredge (USP 6172674).

As to claim 3, Reilly and Boyer disclose the claimed limitation subject matter in claim 1, except the claimed limitation "recording the program for deferred selection by the user". Etheredge teaches that the electronic program

guide allows the user to highlight shows and select them for later recording or viewing (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Reilly's system and Boyer's system to monitor user's actions.

As to claim 4, Reilly and Boyer disclose the claimed limitation subject matter in claim 1, except the claimed limitation "receiving a user input to modify the user-defined attributes". Etheredge teaches that that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. It means that whenever user changes his or her profile, the user modifies the use-defined attributes. User names or titles are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes.

User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 9, Reilly and Boyer disclose the claimed limitation subject matter in claim 8, except the claimed limitation "further comprising repeatedly sorting through the first database including updated program information". Etheredge teaches that client computer can maintain database (col. 9, lines 12-17). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of maintaining database to Reilly's system and Boyer's system in order to provide organize database to user's desire.

As to claim 11, Boyer discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the second database stores multiple sets of user-defined attributes for multiple users". However, Boyer teaches that database contains program attributes such as channel and time& data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. Since the system allow any user can create her or his profile, thus this profile can stores multiple user-defined attributes. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 12, Boyer discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the second database stores multiple sets of user-defined attributes for a user". However, Boyer teaches that database contains program attributes such as channel and time& data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes.

User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 13, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation 'wherein at least one of the first set of user-defined criteria or the second set of user-defined criteria is obtained from an input device under control of the use'. Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. The above information shows that the system has included an input device. Thus, a user can enter user names or tile to a use profile database. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 15, Boyer teaches the claimed limitation "comprising a graphical user interface for presenting the program to a user for selection" as (figs. 13-14).

As to claim 16, Boyer discloses the claimed limitation subject matter in claim 15, except the claimed limitation "wherein the graphical user interface is configured to receive a user input to modify the user-defined attributes". However, Boyer teaches that a user selects a category (fig. 13). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. The above information shows that the system has included an interface to a user to update a user profile or modify user profile. Thus, a user can enter user names or title to a use profile database. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 17, Boyer teaches the claimed limitation "wherein the graphical user interface is configured to receive a user input to select the program" as (fig. 13).

As to claim 18, Boyer discloses the claimed limitation subject matter in claim 14, except the claimed limitation "a storage device configured to record the program for deferred selection by a user". However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. This information shows that the system has included a storage device to record the program for later viewing (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

As to claim 19, Boyer discloses the claimed limitation subject matter in claim 18, except the claimed limitation the preference module is configured to initiate automatic recording of the program determined by the preference module. However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. The above information

Art Unit: 2172

shows that the system has included a preference module to initiate automatic recording of the program based on user's selection (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

As to claim 20, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the preference module is configured to initiate recording of the program upon the user selecting the program determined by the preference module". However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. The above information shows that the system has included a preference module is configured to initiate recoding of a program upon the user selects (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2172

Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (703) 605-1169. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Y Truong

7/30/04


SHAHID ALAM
PRIMARY EXAMINER